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Selectmen's Minutes
January 13, 2003
6:30 P.M.

Present: Trey Shupert, Walter Foster, F. Dore' Hunter, Peter Ashton, Pam Harting-Barrat, Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

PUBLIC HEARINGS & APPOINTMENTS

SEWER COMMISSIONER'S REPORT

DORE' HUNTER – Moved to set the January 2003 Rate at .01560 cents per gallon. PETER ASHTON – Second. UNANIMOUS VOTE

MIDDLESEX COUNTY RETIREMENT DISCUSSION – Trey opened the meeting and made several points about the condition of the Retirement Fund and the 61% increase to Acton. He spoke about the investments that were made and the poor returns on them. They have not complied with our or any of the other communities document requests or questions. He noted that MCR has hired a convicted felon as their new lobbyist.

Don Johnson spoke about the need for legislation to protect us. Don had several questions. They have gone to Perac and found them helpful. They have had trouble getting documents. MCR believes they are immune to oversight, After considering forming a new group, the towns affected have decided to not do that at this time at Perac's recommendation. We want Middlesex to operate differently. We need a better balance between employees and a professional management team. Also an advisory counsel that would change the representatives balance. They have been able to skirt any oversight.

Dore' is concerned that the Retirement Board feels they don't have to be accountable. He feels they have a terrible attitude. They have no oversight. Trey said that when pressed they just replied "Sue us". He wants to see meaningful change, and their attitude that they report to no one.

Walter reiterated the views of the other Selectmen. He was concerned with their attitude and said the taxpayers are outraged. They have no idea what they are doing. He too was concerned with Flaherty being employed by them.

Pam asked how the other communities are reacting. Pam Resor replied that Worcester had seen these increases over a two-year period. She felt that there was not a lot of sympathy as such for those who did not see it coming.

Peter wanted to make two points. He said that when the Middlesex Retirement Board told us they lost money in 1999 he was concerned and was further unhappy with their attitude. We requested documents on where they are placing their funds and they said that we were not entitled to them.

Pam Resor said that she will support us and that it is important that the Board members come in and work with them. Cory Atkins noted that she was the Co-sponsor with Mr. Green and has been working toward gathering information recently.

Jamie fully supports our position and will talk to the other legislators.

Cory asked how we felt about Concord's having their own system? Trey said that he did not want to pull out because he felt that the costs would increase, but that the MCR said if we tried to leave they would sue us. If we cannot reform the management of this group he wanted to pull out. Peter said if we pulled out that we would band with other communities. Dore' said that they have no oversight, and they have responded with "If you don't like it we will Sue you". Cory asked if they are an agency of the State Pam Resor replied no they are not, they were set up somewhat like the Port Authority and are quasi governmental.

Trey wanted to talk about the budgets with the legislators. Don was asked to speak to the issue. He noted that we are not terribly dependent on State Aid.

CITIZENS CONCERNS

The Castline's of 11 Sylvia Street were in to ask for help getting a street light at the end of the Street they do not feel safe in their own homes. Trey asked that Don and Dean get together and look into their request.

Silver Hill Road resident asked about the "non-removal" of snow on their street and asked what he plan they have to address the issue. Don replied that we are in a deficit right now, but they where working on a plan to address this. We have not been able to get salt at this time. We will prioritize the street plowing.

PUBLIC HEARINGS & APPOINTMENTS CONTINUED

STARBUCKS COFFEE - CONTINUED SITE PLAN SPECIAL PERMIT AND COMMON VICTUALER'S LICENSE - Dore' noted that it is his site plan and he feels that they have presented a much improved revised plan. He is satisfied that this is the best of a semi-awkward plan and hopes it works. The Board reserves its right to require additional signage if the entrance off of "No Name street" begins to be used as a cut through we will place signage to address this.

Dore' also recognized that the cross walk shown to go to the right of "No Name street" from the exit won't be a cut down curb until all tenants have agreed, and that the plan be annotated with that note so that disabled individuals will be able to gain entrance.

Pam spoke about signage that said stay to the left. Peter asked about the removal of the parking spaces to address the concern of cars backing up near the Bank drive through.

DORE' HUNTER -Moved Special parking spots 13 and 14 be placed in reserve and the board will have the right to require additional signage if and when they feel it is

required, and to make best efforts to obtain a handicapped sidewalk. PETER ASHTON
– Second. UNANIMOUS VOTE

COMMON VICTUALER – STARBUCKS COFFEE – 411 MASS AVE. Hours to be 6:00 am to 11 pm, seven days a week. DORE' HUNTER -- Move we approve. PETER ASHTON – Second. UNANIMOUS VOTE. The Board noted that they had received a complaint letter from the owners of Café Zeiba asking the Board not to approve another coffee shop in Acton. The Board noted their receipt of this complaint.

BEER AND WINE PACKAGE STORE LICENSE – 48 POWDER MILL ROAD
(Applicant has asked for a continuance to February 10th) DORE' HUNTER – Moved to approve the applicants request to be rescheduled to February 10th. PETER ASHTON-Second. UNANIMOUS VOTE

SITE PLAN SPECIAL PERMIT – 11/18/98-366 AMENDMENT, ASSISTED LIVING, DEVON DRIVE - The Engineer asked that they have a continuance of the public hearing. Peter wanted to discuss several issues regarding the number of affordable housing units and other site issues and concerns while representatives of the ACHC and AHA were present. Pam felt that it would be helpful to see a traffic study and other issues brought up by Garry Rhodes to be addressed.

Walter asked about \$50,000 for rail trail or sidewalks along Main Street and he also wanted to hear from ACHC on the issue of the number of units available.

Trey had suggested we not hear this tonight, as there are several outstanding issues that need addressing.

Betty McManus – Acton Housing Authority/ACHC thanked the developers for the excellent working relationship with Melissa. She did point out that each time we increase one more unit we loose one.

Richard King, 21 Devon Drive lives in a town house unit on Devon Place. He wanted to give the Board of Selectmen a list of issues that they feel are outstanding to resolve before granting them permission to expand. He noted that he had to spend time in a hotel because the town held the Occupancy Permit from the builder until they complied with outstanding issues.

Resident of 17 Devon Drive agreed with Mr. King's statements – She was concerned that the smell from the sewer system is continuing

PETER ASHTON - Moved to continue to February 10 at 8:00. DORE' HUNTER – SECOND. UNANIMOUS VOTE.

EDIC

Members of the EDC were present to ask the Board to place an article on the Warrant for this Spring. They need to have the legislation accepted by Town Meeting for an EDIC. They wish the full article be printed in the warrant. They anticipated the article to be at least 12 pages.

Josh Chernin said we need to appoint a Board of Directors for the EDIC and the plan needs to be approved at town meeting with a 2/3 vote.

Walter spoke about the goals of the EDIC. DORE' HUNTER -Moved we place an Article for acceptance of the legislature on the 2003 ATM Warrant. WALTER FOSTER – Second. UNANIMOUS VOTE

Peter wanted to begin the interview process of potential candidates for EDIC as soon as possible. Walter noted the need for bonding of the new members and the costs associated with that, and who would pay for it.

AT&T BROADBAND PERFORMANCE HEARING CONTINUED

John Convert brought a citizen's concern to the Board. The citizen was concerned about the paperwork required to get the senior Citizen status again. He said that there is still an issue about the discount for seniors combined with other discounts. He also was concerned about the lack of a local phone number.

Trey spoke about the senior discount and wanted to be sure senior's are receiving the discount.

Rob Burnham of CTAC Committee – Spoke about Access Coordinators 6.2. Section B, which requires that they notify the public of the days and hours that they are available by appointment.
Section E-11 Outreach hours requires 80 hours and they are short on those hours.
E-3 assisting PEG and requires 15 hours, the actual were 20 hours per quarter. Well below the 175 per quarter.
E-4 requires six sets of training classes
F Requires 40 hours per month from a producer technician
Copy of time sheets also needs to be addressed.

Peter said that under the contract they are required to be open some evenings and weekends. He too was concerned with the lack of hours for public access activities.

Liz Graham spoke about the need for the quarterly reports to track the items in the contract. She feels they have tried outreach and have provided time. She will provide detailed hours for the Board if needed on a monthly basis.

Mark M. the Cable Area Supervisor – Tech hours were not reportable currently but they would provide the time sheets. They said they provide the weekend studio time by appointment.

Wendy Sweet, Central Street, resident has been asking for a hook-up for over a year now. Liz Graham noted it looked like construction issue but will get in touch with her by the end of the week.

Trey spoke about where we go now. Bill said he would work with Liz to resolve any outstanding issues

Bill Solomon went on to discuss Trey's questions.

DORE' HUNTER – Moved to close hearing and direct Atty. Solomon and the Town Manager to sum up issues and including production Technicians. WALTER FOSTER – Second. UNANIMOUS VOTE.

BOSTON GLOBE RACIAL PROFILING ARTICLE

The information that the Globe provided was inaccurate and did not follow-up with us to verify any of the issues highlighted with regard to Acton.

Chief Widmayer had a chronicled document, which he used to outline the issues. He and Lt. Palmer have already had training.

It was felt that an adequate response to this article was presented.

SELECTMEN'S BUSINESS

BANNER REQUEST - DORE' HUNTER - Moved we approve. **PETER ASHTON** – Second. **UNANIMOUS VOTE.**

STREET ACCEPTANCE DOCUMENTS – DORE' HUNTER – Moved to approve and sign the documents as submitted. **PAM HARTING-BARRAT** – Second. **UNANIMOUS VOTE.**

RECREATION COMMISSION APPOINTMENT OF TWO ASSOCIATES-

DORE' HUNTER - Move to appoint Michele M. Zaremba and Ronald Schiegel as Recreation Commission Associates with the condition that both candidates be interviewed before being automatically elevated to full position on the Recreation commission. **PAM HARTING-BARRAT** – Second. **UNANIMOUS VOTE.**

OTHER BUSINESS

ALG – Trey outlined the recent ALG meeting. They discussed the possibility of cutting both A and B budgets equally. The split was discussed and it was noted that they have not reached a conclusion at this time.

Peter thinks it is imperative to reach a decision on these matters by the end of the week. We need the splits and A and B budget decisions. Scenario A was discussed as well as scenario C.

Peter's proposal is one in which we use an additional \$750,000 would put us in a position of no incremental increases. Proposal two recommends use of free cash to bridge the gap. This still leaves us in trouble for 2005. This recognizes the use of Free cash in the A budget.

DORE' HUNTER - Move the sense of the Board we adopt Peter's proposal #1 and that if it cannot be carried into action we revert to proposal #2 and as far as this Board is concerned the plan be struck this week and once struck we don't change it. **WALTER FOSTER.** Second. **UNANIMOUS VOTE**

CONSENT AGENDA

DORE' HUNTER – Moved to approve. PAM HARTING-BARRAT – Second.
UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Don reported of his meeting with Moody's. It was noted that the presentation prepared be placed on an upcoming meeting as well as being used for the Mock Town Meeting exercise.

EXECUTIVE SESSION

Christine Joyce
Recording Clerk

Clerk

Date

January 10, 2003

TO: Board of Selectmen, Sewer Commissioners

FROM: Trey Shupert, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

JANUARY 13, 2003
MEETING BEGINS AT 6:30 P.M.

******Note this meeting begins at 6:30******

I. CITIZEN'S CONCERNS

II SEWER COMMISSIONER'S BUSINESS

1. 7:05 SEWER RATE SETTING – Enclosed please find recommendations and staff comments for Board consideration.

III. PUBLIC HEARINGS & APPOINTMENTS

2. 6:30 MIDDLESEX COUNTY RETIREMENT – The Board will make a presentation to our legislators in the subject regard.
3. 7:10 STARBUCKS SITE PLAN SPECIAL PERMIT AND COMMON VICTUALER CONTINUATION
4. 7:15 BEER AND WINE PACKAGE STORE APPLICATION – WAYSIDE MANAGEMENT CORP. 48 POWDER MILL ROAD – Enclosed please find application and staff comments for your review.
5. 7:30 SITE PLAN SPECIAL PERMIT 11/18/98-366 AMENDMENT– ACTON ASSISTED LIVING – DEVON DRIVE – Enclosed please find materials in the subject regard for Board review.
6. 7:45 EDIC – Members of the EDIC will be in to discuss outstanding issues.
7. 8:00 AT & T BROADBAND PERFORMANCE HEARING CONTINUED FROM DECEMBER 16, 2002
8. 9:00 BOSTON GLOBE'S RECENT RACIAL PROFILING ARTICLE – Chief Widmayer will be in to discuss this with the Board.

IV. SELECTMEN'S BUSINESS

9. BANNER REQUEST – Enclosed please find a memo from staff regarding the placement of a Banner and A-frame signs to advertise performances by the Commonwealth Ballet, who are located in South Acton at the Littleton High School for Board action.
10. STREET ACCEPTANCE – Enclosed please find the initial Street Acceptance Documents prepared by the Town Engineer for Board signature .

11. COMMITTEE APPOINTMENT – ASSOCIATE MEMBERS TO THE RECREATION COMMISSION – Enclosed please find applications from Michele M. Zaremba and Ronald Schlegel and VCC's recommendation for appointment with an expiration date of June 30, 2004, for Board action.

12. OTHER BUSINESS

V CONSENT AGENDA

13. ACCEPT MINUTES – Enclosed please find the Minutes of December 2, 2002 for Board acceptance.

14. ONE DAY LIQUOR LICENSE – Enclosed please find a request for a One Day Liquor License in conjunction with the Acton Barn Preschool's Annual Auction for Board action.

15. ACCEPT GIFT – Enclosed please find a request for Board acceptance of a gift of \$500 from Alison Gallagher to be used to produce a video on NARA Park for Board acceptance.

16. ACCEPT GIFT – Enclosed please find a request from the West Acton Citizens' Library to accept two money gifts for Library use for Board acceptance.

17. ACCEPT GIFT – Enclosed please find a request from the West Acton Citizens' Library to accept a gift of \$800.00 from the Friends of the Acton Libraries for Library use for Board acceptance.

18. ACCEPT GIFT – Enclosed please find a request from the Land Stewardship Committee for acceptance of a gift of money to produce the Conservation Trail Guide for Board action.

19. ACCEPT GIFT – Enclosed please find a request from the Acton Commission on Disability for acceptance of a gift of \$600.00 from the West Acton Business and Professional Association to be used to purchase a voice activated box at the orientation station at the Acton Arboretum for Board action.

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

Jan. 27 – Bond Sale, Class I Enterprise Rent a Car

Feb 10 – Palmer Kennels Site Plan, Concord Connection Site plan Special Permit 136 Main Street

Feb 24

March 3 – Street Acceptance
March 10 – Mock Town Meeting

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
Implement Chairman Round Table - (Trey) *(for Dec/Jan)*
Revisit 2020 Planning Process for direction to make this process more beneficial towards
Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) *(PCRC EDC – Continuing to meet)*
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) *(Peter still working on getting comments from Water District.)*
8. Decision on Pentamotion Accounting System (Dore'/Peter) *(Proposals are being looked at by staff)*
9. Process Planning for "Life after NESWC" (Pam/Peter) *(John Murray is looking at this)*
10. Joint IT process-organizational change (Walter/Dore') (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) *(ALG put plan in place A/B)*
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) *(Need to look at budget)*
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) *(Need to look at budget override for Operating budget)*
13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
 17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) *(No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)*
- Goals 2003-Selectmen folder**

Selectmen's Minutes

January 6, 2003

7:00 P.M.

Present: Trey Shupert, Walter Foster, F. Dore' Hunter, Peter Ashton, Pam Harting-Barrat, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

Nancy Tavernier – Thanked the Board for the tax bill she received with the CPA surcharge and wanted to thank the staff for their hard work

Jon Chinitz also sent a letter commenting on the informative enclosure in the Tax Bill.

Pam announced that she would make public her plans at the next meeting with regard to her running for a second term.

Dore' asked about the snow budget situation. Dore' noted that we are allowed to roll over the costs to next year. By doing this we would have to fund the deficit. He thinks we should not be plowing to the extent we are now. Peter agreed with Dore' and noted that we need to be a little careful with regard to safety. He noted that maybe we can wait a bit longer before going out to plow. While Walter also agreed with the comments and did not want to jeopardize safety.

Pam asked about the application of sand and plowing. Don Johnson noted that we need to salt before it is plowed so that the packed snow can be removed.

Trey spoke about his street and how well it was plowed. He does not want to carry the deficit over to next year. He asked that Don and Dave Brown develop a plan on how and what would be plowed first and how much money can be saved with their plan with conditions similar to the last storm.

PUBLIC HEARINGS & APPOINTMENTS

SEWER COMMISSIONER'S REPORT

SELECTMEN'S BUSINESS

ALG MULTI-YEAR BUDGET PLAN

Trey opened the meeting discussing the Budget plan that could be approved by both the BOS and School Committee. They want to get through fiscal years 04 and 05 and address 06 later. He has asked Peter look at a variety of scenarios to discuss tonight. The Regional School Committee has said they recognize the need to cut from the current budget and have offered cuts of \$ 800,00 from their A level Budgets and have asked that we take steps for further reductions on the Town Side. Trey also said we would need to establish the split between the Schools and Town.

Peter gave an overview of his work preparing the Budget Issues presentation document. He has looked at six options. They include overrides in 04 and 05. Scenario A is painful but preferred. Scenario B has the least budget cuts. Scenario C was not well received by the Town Manager. Scenario D will require \$400,000 in budget cuts. Scenario E and F are considered non-starters. He is presenting E and F but he doesn't think they would be politically viable. F uses all the free cash does not include an override this year but we would need a really large override to solve all the problems in later years. This requires 10 million in budget cuts. He noted that we will have to address these budget cuts in each scenario and they will require personnel and service cuts. He also said that we needed to have an understanding for sharing of the revenues, however meager that they might be.

Peter urges that we show 05 can be handled and not to worry about 06 at this time as he feels we will be in better shape when we reach 06.

Trey said that he made an assumption on revenue splits and budget cuts. He intends to go forward at ALG with maintaining the revenue split in 04 and 05, that being 72/28. He will propose a split of 80/20 on any increase in revenue above what our plan calls for.

Dore' felt we need to start discussing our budgets in a different light. He noted that we needed to reorganize the presentation of the capital items. Dore' said we need to package these items much like the school does.

Pam asked about how they got to the 72/28 split. She asked about the cruiser replacement cut in the B budget. She thinks the replacements will have to take place at some point in time. She supports Scenario A.

Dore' noted we needed to try to recover the Health Trust holiday, perhaps by Free Cash. He agrees with Peter.

Walter thanked Peter for his helpful presentation. He agrees with Peter's opinion that scenarios E and F are nonstarters. He felt that Scenario A is the preferred option, but is looking at C. He noted that we need to look at cuts and to have tight control of the 05 budget, and where it is going.

Peter likes A and D and it is an issue for negotiation at ALG.

Trey said he liked A and C. He said the Board is agreement with A. He asked that we get in touch with the Health Trust to talk to them about revoking the holidays.

Dick O'Brien said he was speaking personally as a citizen. And that those who have talked and those who have listened will try to give back comment. He said that we should look at the A budgets. He feels we need to look at how we can become more creative. He said that Unions need to understand that they are part of the structure. He suggested on the school side to have the Supt. meet publicly and to explain to them the issues. He feels that the Town side needs to do the same with our unions. He also agreed with the Board's stand on the retirement issue.

Trey wanted to hold off on A and B budget decisions tonight and bring it forward at the next meeting. Trey wanted a recommendation for Option A and revenue split.

Peter questioned the 72/28 percent that we have been using. It reflects reality if you look at Minuteman, it comes out of school but it is an assessment. He noted that with it taken out it is more like 70/30 split. He is proposing an 80/20 split.

Dore' would have to be convinced to approve the 80/20 split as presented.

Nancy Tavernier spoke about the split and how it has developed and evolved to the current split. She does not want to see it erode below the 28 split.

PETER ASHTON - Moved that it is the sense of the Board to go forward with Option A and future revenue sharing be split 72/28 for at least a two year time period.
DORE' HUNTER – Second. UNANIMOUS VOTE.

ELECTRONIC MAIL PACKETS

Trey spoke about the Email packets and wants to go live and suspend the hard copy information being sent. Dore' said we don't want to make it a burden on the members but suggests that the numbered mail packet will be sent electronically and a hard copy of the Numbered Mail be available on the table. Peter said that he likes the new packet. He felt we needed to find other formats besides PDF and file an electronic version for citizen use. Mark Hald said that it was possible.

OTHER BUSINESS

CONSENT AGENDA

F. DORE HUNTER – Moved to approve. PETER ASHTON – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

EXECUTIVE SESSION

PAM HARTING-BARRAT – Moved to go into Executive Session for the purpose of discussing potential litigation. Roll Call taken, All AYES

Christine Joyce
Recording Clerk

Clerk

Date

EXECUTIVE SESSION

January 6, 2003

BROOK SIDE – John updated the Board on the Loam issue with Tashmoo Realty Trust and that the \$40,000 settlement is looking less attractive.

NESWC - John reported on NESWC. The debt belongs to Wheelerbrator. They want permission to flip up their principal. John spoke about refinancing and what they would gain by this refinancing. John said we need make a decision on what we are going to do.

Christine Joyce
Recording Clerk

Clerk

Date

January 6, 2003

TO: Board of Selectmen, Sewer Commissioners

FROM: Trey Shupert, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

JANUARY 6, 2003
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II SEWER COMMISSIONER'S BUSINESS

III. PUBLIC HEARINGS & APPOINTMENTS

IV. SELECTMEN'S BUSINESS

1. **ALG MULTI-YEAR BUDGET PLAN** – The ALG has proposed a multi-year budget plan for consideration by the Selectmen, School Committees and Finance Committee. The Chairman has called this Special Meeting for the purpose of considering the ALG proposal. Enclosed please find materials to assist the Board in this discussion.

2. **ELECTRONIC MAIL PACKETS** – The Chairman is seeking input or comment from the Board regarding the experimental electronic mail packets you have received.

3. **OTHER BUSINESS**

V CONSENT AGENDA

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

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Jan. 27 – Bond Sale

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
Implement Chairman Round Table - (Trey) *(for Dec/Jan)*
Revisit 2020 Planning Process for direction to make this process more beneficial towards
Implementation of long-term vision (Trey).
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4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
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6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) *(Peter still working on getting comments from Water District.)*
8. Decision on Pentamation Accounting System (Dore'/Peter) *(Proposals are being looked at by staff)*
9. Process Planning for "Life after NESWC" (Pam/Peter) *(John Murray is looking at this)*
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11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) *(ALG put plan in place A/B)*
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Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) *(Need to look at budget override for Operating budget)*
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14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) *(No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)*

Goals 2003-Selectmen folder

Selectmen's Minutes

December 16, 2002

7:00 P.M.

Present: Trey Shupert, Walter Foster, F. Dore' Hunter, Peter Ashton, Pam Harting-Barrat, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

Ann Chang suggested that we hold the override at the same time as town election. She asked if the Board would be willing to participate in a simulated override election. She asked that the Board change their March 10th meeting to another date so that they could participate.

It was noted that the override vote would be on the Town ballot. Peter said he thought the idea was good. He does not share Dore's opinion on this. Peter feels having as many outreach sessions as possible is a good idea. PETER ASHTON - Move to set the ballot vote on April 1st. 2003, in connection with the Town Election. WALTER FOSTER – Second. 4-1, Dore' Hunter, No

Karen Laufer – Representing “No place for Hate” Organization is seeking the Board's signature on the proclamation. PAM HARTING-BARRAT – Moved to become the 55th community to sign the proclamation. WALTER FOSTER - Second. UNANIMOUS VOTE

PUBLIC HEARINGS & APPOINTMENTS

SEWER COMMISSIONER'S REPORT

DORE' HUNTER - Move that we approve rate as noted. PAM HARTING-BARRAT – Second - UNANIMOUS VOTE

STARBUCKS SPECIAL USE PERMIT – 411 MASS AVE. – The representatives of Starbucks presented the plan for the new coffee shop at 411 Massachusetts Ave. They felt they could address all outstanding issues noted by the Staff. Dore' felt that this projects parking was dangerous and was very uneasy about this. Dore' said he felt we needed a crosswalk and felt that this plan has possible pedestrian problems. Dore' said that we should have them comply with all of the issues noted. Peter Ashton – and Trey agreed that pedestrian safety and the continued ATM use at this location needed to be addressed. Walter felt that pedestrian safety was important. He wanted to see if they would be willing to install a pedestrian light to cross the No Name Street. He would like to hear from other Selectmen about their ideas about having a traffic study done. Dore' asked that they work with Garry to try to work out some of the concerns. PETER ASHTON - Moved to continue the hearing until January 13th at 7:10 p.m. WALTER FOSTER- SECOND. UNANIMOUS VOTE.

STARBUCKS COMMON VICTUALER LICENSE – 411 MASSACHUSETTS AVE.
Continued to January 13th at 7:10 p.m.

AT&T PERFORMANCE HEARING – AT&T Representatives, the Cable Advisory Committee and Attorney Soloman were present for the Performance Hearing ordered by the Board. It was noted that the Performance Hearing was due last year. Stuart Gilmore noted three areas for discussion and improvement, technical improvements, citizen complaints and the high-pressure tactics. They feel AT&T needs to address these concerns.

Pam was concerned about transfer and what to expect from Customer Service. We have seen no improvement and in fact service has plummeted. None of the promises have been complied with. She spoke about channel changes and senior citizen issues and she felt that people are very unhappy and wondered what AT &T were going to do to correct these issues. Rob Travers spoke about the September Upgrade to Digital high speed internet. He noted that the company has only been a merged company for a month or so. They are aware of the issues and their need to work on Customer Service issues and will work on this in the coming months. They said that they have resolved the Senior Discount issue. The Channel Changes and shared channels will require that they have to remove some of the shared channels in order to bring new ones in. Walter wanted to focus on major problems with the Town of Acton's role and the Representatives of the Contract as well as changes in the whole function behind the public channel. He also spoke about the high-pressure tactics and wanted to make sure the misinformation and tactics were stopped.

They agree that PEG access is an important part of the line up. They have had a couple of technical issues and meeting issues especially with the School Committee's meetings. In September they saw a few more complaints and that was due to fiber optic installation.

Dore' said that his comments are the same as the others. He feels that we need to address the problems with the televised Board and Committee meetings. He spoke about his interaction with AT&T installers at his home and he said they were fine.

Rob said that they have looked into the complaints regarding sales tactics and high-pressure sales, but noted the low percentage of complaints regarding this issue.

John Covert – Spoke about not necessarily needing a cable box to operate a TV and did not see it explained in the letter. He felt that it was not accurate information. He said people have been told they need Digital because their TV will not work.

Rob was asked if AT&T was aware of any problems at the School committee meetings and Peter noted the lack of quality transmission. Section 12.2 of the contract requires them to provide clear signals.

Peter spoke about the increase in costs coming up in January of 7.8%. Rob said that they need to buy more shows.

Mary Ann Ashton spoke about the quality of the transmission. She wondered why they could not get a good transmission at the fixed location at the school. But she noted when she tuned in to the Selectmen's meeting tonight it was wavy and could not be heard. She suggested the taping of meetings and asked for incoding on the tape. She had a suggestion that a notice should be crafted to tell people about what to do when

you have a problem. She also asked about the public's access to studio time and how people can schedule time.

Terra Freidrichs asked that they agree to a schedule to complete tasks or be found in contempt.

It was decided to put a notice in the Municipal Quarterly to update the citizens regarding Cable Television.

Friz Reip noted the cost of programming is going up and asked about alternatives.

Trey has asked if AT&T are in compliance now. Rob Travers said yes, and Trey further asked if he felt they have always compliant to which Rob replied "to the best of his knowledge."

Atty. Solomon wanted to set out questions for the next meeting. He asked about the hours open for the studio. Why are there no evening and weekend hours available?

Attorney Solomon suggested we have better local programming and said that the Cable Advisory Committee could address this.

The CTAC asked how many volunteers we have, and also about public access issue and how many people have been trained; and that they need to address this.

6.2 the license provides that a production person not the PEG coordinator be scheduled 40 hours per month.

A Proof of performance test should be prepared and to see if the next test is different. It was noted that the test took place before the change over.

Bill spoke about the 3% per subscriber fee.

DORE' HUNTER – Moved to continue the hearing until January 13 at 8:00 p.m.

WALTER FOSTER- Second. UNANIMOUS VOTE.

DORE' HUNTER – Moved to approve that Attorney Solomon represent the Town at the upcoming rate setting meeting.

Mark Hald asked the Board to approve the expenditure of \$187,500 for expenses related to equipping and operating the I Net, as well as equipping municipal buildings with related net work infrastructure and equipping the government channel. WALTER FOSTER – Second. UNANIMOUS VOTE.

CONSERVATION COMMISSION – Andy Magee was present to discuss a bylaw in development for the 2003 Town Meeting Warrant. The Board of Selectmen will add it to the Warrant. Peter volunteered to work with Andy.

SELECTMEN'S BUSINESS

Dore' spoke about the CAC meeting.

FY04 BUDGET DISCUSSION – The Board reviewed Peter’s memo. Peter spoke to his memo, which outlines his thoughts and suggestions on the A & B budgets. Dore’ asked about the split between the educational side and the town. Trey said we don’t have an agreement for 05 and 06, but currently it is 72/28.

DEC. 12 ALG MEETING ISSUES - They will be discussing the split and will try to come to an agreement.

CPA COMMITTEE – The Board discussed and recommended the approval of the following appointments: 2 Year, Peter Berry, 1 Year Susan Mitchell-Hardt, and Catherine Coleman, and Wayne Klockner and Mimi Herrington as Associates for a 1 year term.

DORE’ HUNTER – Moved to approve the above appointments to the CPA Committee.

PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

It was noted that Walter Foster will be representing the Board of Selectmen, Andy McGee will be the Conservation Commission representative, Allison Gallagher will represent Recreation, James Eldridge, Housing Authority, Chris Schafner, Planning board and we anticipate notification from Historical Commission on their representative.

OTHER BUSINESS

CONSENT AGENDA

F. DORE HUNTER – Moved to approve. PETER ASHTON – Second. UNANIMOUS VOTE.

Item 11 MMA Meeting, the Board was asked to designate the Town Manager as the Board’s designee...

TOWN MANAGER’S REPORT

Contract Settlement with the Fire Union - Don outlined the Settlement just reached with the Fire Union.

EXECUTIVE SESSION

Clerk moved to enter into Executive session for the purpose of discussing litigation only to return to the meeting to adjourn.

Roll Call taken, All Ayes.

Christine Joyce
Recording Clerk

Clerk

Date

EXECUTIVE SESSION

December 16, 2002

Brookside - Loam issue and we may have 11.5 and the \$40,000 settlement is less attractive.

NESWC - John reported to the Board about his recent meeting. He noted that the debt belongs to Wheelabrator. They want permission to flip up their principal. John discussed this refinancing. John said we needed to make a decision on what we are going to do.

Christine Joyce
Recording Clerk

Clerk

Date

December 13, 2002

TO: Board of Selectmen, Sewer Commissioners

FROM: Trey Shupert, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

DECEMBER 16, 2002
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II SEWER COMMISSIONER'S BUSINESS

1. 7:05 **SEWER RATE SETTING AND REVIEW OF SPECIAL CIRCUMSTANCES** – Enclosed please find recommendations and staff comments for Board consideration.

III. PUBLIC HEARINGS & APPOINTMENTS

2. 7:15 **STARBUCKS SPECIAL USE PERMIT – 411 MASS AVE.** – Enclosed please find materials in the subject regard.
3. 7:20 **STARBUCKS COMMON VICTUALER LICENSE** – Enclosed please find application and staff comment for Board review.
4. 7:30 **AT&T PERFORMANCE HEARING** – AT&T Representatives, the Cable Advisory Committee and Attorney Soloman will be present for the Performance Hearing ordered by the Board.
5. 9:00 **CONSERVATION COMMISSION** – Andy Magee will be present to discuss a bylaw in development for the 2003 Town Meeting Warrant.

IV. SELECTMEN'S BUSINESS

6. **FY04 BUDGET DISCUSSION** – Enclosed please find materials in the subject regard.
7. **Dec. 12 ALG MEETING ISSUES** -- Enclosed please find materials in the regard to pyramid and menu override questions and a preliminary long-range financial plan.
8. **OTHER BUSINESS**

V CONSENT AGENDA

9. **CABLE TELEVISION RATE SETTING HEARING** – Enclosed please see materials in the subject regard.
10. **ACCEPT MINUTES** – Enclosed please find minutes of November 4, 18 and 19 for Board acceptance.

11. **MIIA VOTING DESIGNEE** – Enclosed please find the Annual MMA/MIIA materials in the subject regard.
12. **ACCEPT GIFT** – Enclosed please find a request from the West Acton Library to accept \$2,002.00 for the cost of Tot Time for Board consideration.
13. **ACCEPT GIFT** – Enclosed please find a request from Recreation for Board acceptance of donations for Winterfest.
14. **WEST ACTON CITIZENS LIBRARY SIGN REQUEST** - Enclosed please find a request in the subject regard for Board review.
15. **BOARD OF HEALTH RESIGNATION** – Enclosed please find Doug Halley's memo regarding the resignation of Ms. Gilmore and request to have Associate Member, Ms. Hunt, elevated to full member to fill Ms. Gilmore's unexpired term. That term being June 30, 2003.

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

An Executive Session will be required – Please see enclosed materials.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

Jan 13 Wine And Malt 50 Powder Mill Road, Special Permit Acton Assisted living, EDIC, AT&T Performance hearing continuance.
Jan. 27 – Bond Sale

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
 Implement Chairman Round Table - (Trey) *(for Dec/Jan)*
 Revisit 2020 Planning Process for direction to make this process more beneficial towards Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) *(PCRC EDC – Continuing to meet)*
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) *(Peter still working on getting comments from Water District.)*
8. Decision on Pentamotion Accounting System (Dore'/Peter) *(Proposals are being looked at by staff)*
9. Process Planning for "Life after NESWC" (Pam/Peter) *(John Murray is looking at this)*
10. Joint IT process-organizational change (Walter/Dore') (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) *(ALG put plan in place A/B)*
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) *(Need to look at budget)*

Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) *(Need to look at budget override for Operating budget)*

13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) *(No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)*

Goals 2003-Selectmen folder

Selectmen's Minutes

October 21, 2002

7:00 P.M.

Present: Trey Shupert, Walter Foster, Peter Ashton, Pam Harting-Barrat, F. Dore' Hunter was absent. Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

PUBLIC HEARINGS & APPOINTMENTS

SEWER COMMISSIONER'S REPORT

SEWER RATE SETTING AND REVIEW OF SPECIAL CIRCUMSTANCES

PETER ASHTON - Moved to set the rate for October at .01725 cents per gallon October 2002. WALTER FOSTER - Second. UNANIMOUS VOTE.

The Board discussed the O&M issue at 276 High Street and of giving the current owners the choice of opting out of the District. If they choose to opt out, then the request for removal from the District should be in writing.

Trey had not problem with direct billing. He said that we do not have the working capital to do so at this time. Peter said we should look at the new software modules to facilitate the acceptance of sewer revenues.

JULIA MILES – Conservation Commission Appointment as Associate –PAM HARTING-BARRAT – Moved to appoint Julia Miles as an Associate Member on the Conservation Commission with a term to expire 6/30/03. WALTER FOSTER – Second. UNANIMOUS VOTE

SITE PLAN 8/14/02-383 – 52 KNOX TRAIL - PAM HARTING-BARRAT Moved to Continued at the request of the applicant to Nov 4 at 7:15 P.M. PETER ASHTON – Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

AFFORDABLE HOUSING PROJECT COMMENTS –Trey noted a conceptual plan for a development in North Acton under 40B. The letter is drafted for signature by the Town Planner. Walter had corrections to the letter. Peter asked if ACHC had been privy, the board thought not as this is still conceptual. PETER ASHTON – Moved to send letter with correction WALTER FOSTER - Second. Christine to send out under signature after corrections are made as suggested by the Chairman.

FY04 BUDGET DISCUSSION –Trey spoke about Multiple scenarios being put together. He wanted to have the budget reductions discussed and also to start process on increasing fees. He urged actual costs and the Transfer sticker price going up to better

offset the actual costs for these services. Peter agreed we need to take a look at all fees. Peter wanted us to pursue the 50% owed by 6 entities that owed back taxes. He asked that we collect those back taxes. Peter wanted to have the summary page presented differently to help with confusion, perhaps a footnote or separate line. John was asked to change.

Pam felt that we should have an amnesty program to generate revenue. Special legislation would be needed.

GOALS DISCUSSION

Add Middlesex pension alternatives (Walter) look into this and to come up with a plan.

The Town Manager was asked to take the letter from Billerica and make the same request in terms of full audit annual reports budgets, salaries expenses, people who work for them and response in 10 days. Peter wanted to have anything with regard to how actuary changed and why. Trey added that we intend to look at all our options and perhaps joining with other towns to explore alternatives and to exercise our rights under the law. He also wants to know why our assessment went up 64 percent while the overall increase was 42%. He further wanted to know why their employees went down 10 percent.

Recreational field lack of space, prison land etc. (Walter) was assigned to this Goal.

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
Implement Chairman Round Table - (Trey) *(for Dec/Jan)*
Revisit 2020 Planning Process for direction to make this process more beneficial towards Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) *(PCRC EDC – Continuing to meet)*
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) *(Peter still working on getting comments from Water District.)*
8. Decision on Pentamation Accounting System (Dore'/Peter) *(Proposals are being looked at by staff)*
9. Process Planning for "Life after NESWC" (Pam/Peter) *(John Murray is looking at this)*
10. Joint IT process-organizational change (Walter/Dore') (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) *(ALG put plan in place A/B)*
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) *(Need to look at budget)*
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) *(Need to look at budget override for Operating budget)*
13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) *(No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)*

OTHER BUSINESS

Trey spoke about the Audit from Malone on our Insurance Trust Fund, and why the schools and Water District are paying for separate auditor, and noted that ours audits the health accounts each year. Peter urged us to not pay for this. Trey urged our trustee to take a hard line on anymore wasting of money and we would not participate or pay again. Trey said that we are not to set rates at the Nov 7th meeting, as we need more time to set the rates.

Trey again noted with disappointment the recent activities at the Makaha Restaurant – A letter and an appointment before the Board was requested ASAP. Trey suggested the letter be sent to their attorney and to advise them we are looking at some sort of action. The Police Chief is concerned about this situation. Disappointing that they a month later have a major incident by the owner. Trey will propose some sort of suspension. They are to come in on Nov 4 at 7:45. Town Manager will draft a letter to Mr. Cheng and Mr. Deimert.

Sidewalk priorities add to next meeting as agenda item.

Peter spoke about water main advance notice to install at Brook Side Mall.

He noted that they are no longer sending printed City and Town but it can be obtained on the Net.

Walter reported on the success of the 20th Anniversary at the Discovery Museum it was well attended.

Micki Williams walk went well and was well attended.

Pam – has had a lot of questions about override she feels we need to get the information out to the public and a lot of issues and to help them understand the process.

CONSENT AGENDA

WALTER FOSTER – Moved to approve. PETER ASHTON – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Don spoke about the pictonmey we have withdrawn because of continuing costs.

EXECUTIVE SESSION

NONE

Christine Joyce
Recording Clerk

Clerk

Date

October 18, 2002

TO: Board of Selectmen, Sewer Commissioners

FROM: Trey Shupert, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

OCTOBER 21, 2002
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II 7:03 SEWER COMMISSIONER'S REPORT

1. **SEWER RATE SETTING AND REVIEW OF SPECIAL CIRCUMSTANCES** – Enclosed please find staff comment and recommendations in the subject regard.

III. PUBLIC HEARINGS & APPOINTMENTS

2. **7:10 JULIA MILES – CONSERVATION COMMISSION ASSOCIATE INTERVIEW** – Enclosed please find Ms. Miles' application and VCC recommendation for Board consideration.
3. **7:15 KNOX TRAIL SITE PLAN SPECIAL PERMIT #383** (continued from October 17) – The applicant wishes to have the hearing continued until November 4th at 7:15 P.M.

IV. SELECTMEN'S BUSINESS

4. **AFFORDABLE HOUSING PROJECT COMMENTS** – Enclosed please find a draft letter regarding a proposed Affordable Housing project on Main Street. The letter has been drafted by the Town Planner, for Board consideration.
5. **FY04 BUDGET DISCUSSION**
6. **GOALS DISCUSSION**
7. **OTHER BUSINESS**

V CONSENT AGENDA

8. **NOVEMBER 5 STATE ELECTION WARRANT** – Enclosed please find the Warrant for the November 5 State Election for Board consideration. (Signature copies will be available at the meeting.)
9. **NEXTEL COMMUNICATIONS SIDEWALK CONTRIBUTION** – Enclosed please find a contribution from Nextel for construction of sidewalks, for Board acceptance.

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

November 4 – Animal Boarding Site Plan, Knox Trail continuation, Concord Road Sidewalk
November 18 -

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY03 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam)
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter)
8. Decision on Pentamation Accounting System (Dore'/Peter)
9. Process Planning for "Life after NESWC" (Pam/Peter)
10. Implement Chairman Round Table - (Trey)
11. Joint IT process-organizational change (Peter/Dore')
12. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter)
13. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter)
14. Revisit 2020 Planning Process for direction to make this process more beneficial towards
Implementation of long-term vision (Trey).
15. Want to see more interface with Emerson.(Pam)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam)

Goals 2003-Selectmen folder

Selectmen's Minutes

October 7, 2002

7:00 P.M.

Present: Trey Shupert, Walter Foster, F. Dore' Hunter, Peter Ashton, Pam Harting-Barrat, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

PUBLIC HEARINGS & APPOINTMENTS

JULIA MILES – Conservation Commission Appointment as Associate – Ms. Miles will be rescheduled to the next meeting.

JOHN BENKERT – HISTORICAL COMMISSION APPOINTMENT AS AN ASSOCIATE MEMBER - DORE' HUNTER - Moved to appoint with term to expire 6/30/03. **PAMELA HARTING-BARRAT** - Second, **UNANIMOUS VOTE**

PLOWING OF PRIVATE WAYS- Jen Nichols, 5 Breezy Point Road, said the private way sign was removed last summer. She was asked to contact the Planning Board to see what could be done to make the street acceptable to be plowed. Wayne Chen 10 Breezy Point asked that the Board consider plowing for Breezy Point. Dore' noted that the requirement to keep it a private road means that it should be maintained by the residents under the Planning Board decision. He suggested they appeal to the Planning Board to have the restriction lifted. They could bring the road up to standards for Town Acceptance and then Town Meeting could be presented with the option of acceptance.

Resident of 253 Pond Ridge Drive – Representing four families asked to be considered for Private Way Plowing. Staff review noted that the turnaround is not adequate and backing out of the street was unacceptable, as well as other items such as the pavement condition and area for snow storage.

DORE' HUNTER -Move we approve staff recommendations for 2003 Plowing of Private Ways. **PETER ASHTON** – Second. **UNANIMOUS VOTE.**

SITE PLAN 8/14/02-383 – 52 KNOX TRAIL - Continued at the request of the applicant to October 21 at 7:15 P.M. William Lawrence a direct abutter notified the Board that he had not been notified by Certified Mail. Staff will look into this and get back to him.

PUBLIC SHADE TREE REMOVAL – CONCORD ROAD

Ms. Gross said she is here representing the neighbors and will urge the neighbors to write the Board with their concerns. She questioned the number of trees to be cut and noted that if you eliminate the crossovers only two incrementally would have to be lost. The neighborhood said that safety is a prime concern for them. They don't like the area for the second cross over due to speed and visibility issues. Trey said that to build a sidewalk with no crossings, we would have to cut 14 trees. David Abbt offered

a tour of the sight. We will send letter to the abutters notifying them of the continued hearing.

CONTINENTAL CAFÉ' – 5A SPRUCE STREET - COMMON VICTUALER'S LICENSE
– DORE' HUNTER -Moved to approve. Walter Foster - Second. 4-0 Pam absent from the room.

SELECTMEN'S BUSINESS

DISCOVERY MUSEUMS – Peter will be attending and Walter will try to attend if he can.

SITE PLAN SPECIAL PERMIT #5/24/02-381 – WORKERS CREDIT UNION – DORE' HUNTER – Moved to approve. WALTER FOSTER – Second. – UNANIMOUS VOTE

PUBLIC SAFETY FACILITY UPDATE - Dore' updated the Board on their experience at Octoberfest. DORE' HUNTER – I move that the Board of Selectmen restate and amplify, in its Minutes and in a separate writing signed by the all the Selectmen, its previous commitment in regard to the potential financing of the proposed new Public Safety Facility as follows:

The Board of Selectmen shall act such that the Town will not borrow or expend any portion of the \$6.4 Million Dollars which may be appropriated by the October 15, 2002 Special Town Meeting under Article One - Public Safety Facilities Building - that might represent any incremental difference between the final design architect's estimate of the amount of money which would be required by the general contractor to accomplish the site improvements, demolition and new construction specified in the issued contract bid documents (less contingencies), and any lower, actually contracted, price for the successful bidder to do such work (absent any change orders). Furthermore that the Board of Selectmen shall act such that the necessary borrowings to pay the project costs be made in reasonable increments commensurate with the anticipated progress of the construction, and that any interest earned on such borrowed funds as may be on deposit be utilized to offset the costs of such borrowings. TREY SHUPERT – Second. UNANIMOUS VOTE.

TOWN MANAGER'S SALARY – Peter recommend increase of \$6,880 or 5.7 Increase which would cover two years review. PETER ASHTON – Moved to approve the increase to the Town Manager's Salary. DORE' HUNTER – Second. Walter and Pam spoke about their uncomfortableness with giving a large increase under the current situation and economic times. Peter and Trey noted Don's record and continuing efforts to keep the Town functioning as well as it does and noted his salary compared to the Supt. of Schools. Motion carries unanimously

WALK FOR OVARIAN CANCER RESEARCH – Micki Williams – She spoke about the walkathon for research for Ovarian Cancer. She has made arrangements with the Police so that the walkers are safe while they walk the three-mile benefit.

ROUTE 2A SPEED LIMIT SUPPORT – The resident who is communicating with the State Highway has asked for a letter from the Board for support of his efforts in reducing speed limit along Route 2A.

GOALS DISCUSSION – Next meeting

TREY SHUPERT – Moved to cut their salaries FY04 to nothing, WALTER FOSTER – Second. Don asked that they give staff time to research potential pitfalls of this action. He will report back to the Board.

Preliminary FY04 Budget Discussion

Don updated the Board on the meetings with Middlesex Retirement and the Insurance Trustees. The Board wanted to know how much Middlesex County Retirement has lost and where. They have changed to actuary basis and felt if we were not getting any more money from them that we handle it here in a better fashion ourselves Both Dore' and Trey spoke about withdrawing and bringing suit against them. Peter agreed.

Don discussed the additional cuts that he has offered. In the amount of \$717,800. They have offered a reduction in the NESWC subsidy. Recreation would have to come up with \$40,000 to contribute. He spoke about Chapter 90 Funds and the reduction. They further cut the tight tank and to take the risk of not taking the appropriation. If an order came down, we would have to act produce the funds to correct.

Non Union Salaries survey would be eliminated and finally, recommendation pull the fire truck and eliminate the cruiser replacement program. \$2,133,000 final cut.

He wanted permission to cut the deficit and take the chance. 3Mil if an override passed

Peter again wanted to talk about Middlesex County Retirement regarding this assessment going up with no changes in the last 9 months. He felt that there were fiduciary mistakes and we need to look into this and further stated that the total overall does not make sense to their increase. Dore' felt that an ethics suit should be filed.

PETER ASHTON – Moved to Support the cuts 2,132,832 as listed on the sheets distributed by the Town Manager. DORE' HUNTER – Second. UNANIMOUS VOTE

DORE' HUNTER - Moves with utter anger and frustration with the action of MRB and not giving advance notice, and not having an investment program for 2001 and 2000 and adopting a different methodology, and further ask Town Counsel to open an ethics investigation and up to and including the discharge those involved. PETER ASHTON - Second. UNANIMOUS VOTE.

Jonathon Chintz gave his support and understanding to the cuts made by management. He also said there are very troublesome issues and we need the time to do the research and he will be putting together a project to track changes in other communities.

OTHER BUSINESS

Dore' asked about RH White Issue. Dore' asked that it be confirmed.

Walter spoke about Grace meeting with DEP; EPA and they took info on continuing the wells and will have a continued hearing.

Peter spoke about the need for a cable hearing. Bill Solomon and CTVC have been asked to get it started.

Trey spoke about Glenn Berger's plans. Dore' said he checked with MBTA and the informal action was not to get involved.

CONSENT AGENDA

DORE' HUNTER – Moved to approve. PETER ASHTON – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Spoke about the Police arbitration decision. It was noted that in the award, they got exactly what the Town's last offer before this went to arbitration for determination.

EXECUTIVE SESSION

PAM HARTING-BARRAT – Moved to go into executive session for the purpose of discussing litigation. All Board Members Polled, All AYES.

Christine Joyce
Recording Clerk

Clerk

Date

EXECUTIVE SESSION

OCTOBER 7, 2002

John Murray said he was pursuing opportunities and thoughts and he said that he put on the table that we withdraw from NESCW and go private. We breakaway and lease it to BFI or Waste Management doesn't need to be bid. If they hold us to termination clause they will not be considered. He thinks it could go next July 1st. They have talked possible curb pickup and turnkey operation at the site.

The Board asked John to keep reviewing this opportunity.

Christine Joyce
Recording Clerk

Clerk

Date

October 4, 2002

TO: Board of Selectmen, Sewer Commissioners

FROM: Trey Shupert, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

OCTOBER 7, 2002
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II SEWER COMMISSIONER'S REPORT

III. PUBLIC HEARINGS & APPOINTMENTS

1. **7:05 JULIA MILES – COMMITTEE INTERVIEW CONSERVATION COMMISSION
ASSOCIATE MEMBER WITH A TERM TO EXPIRE 6/30/03** – Enclosed please
find Ms. Miles' Volunteer Sheet and Vcc's Recommendation for Board action.
2. **7:10 JOHN BENKERT – COMMITTEE INTERVIEW HISTORICAL
COMMISSION – ASSOCIATE MEMBER WITH A TERM TO EXPIRE 6/30/03**
Enclosed please find Mr. Benkert's Volunteer Sheet and Vcc's Recommendation
for Board action. Mr. Benkert will be filling the position of Associate that
Mr. Coan held previous to his requested elevation to Regular Member.
3. **7:15 PLOWING OF PRIVATE WAYS** – Enclosed please find petitions for Private Way
Plowing for this winter, along with staff recommendations, for Board
consideration.
4. **7:30 SITE PLAN 8/14/02/383 - 52 KNOX TRAIL** – Enclosed please find a request for
continuance of this hearing to October 21, 2002 at 7:15 P.M.
5. **8:15 PUBLIC SHADE TREE REMOVAL – CONCORD ROAD** – Enclosed please find
materials in the subject regard for Board consideration.
6. **8:30 CONTINENTAL CAFÉ'- 5A SPRUCE STREET –COMMON VICTUALER
LICENSE**– Enclosed please find application and staff comment for Board action.

IV. SELECTMEN'S BUSINESS

7. **DISCOVERY MUSEUMS** – Enclosed please find an invitation from the Discovery
Museums to attend their ceremony on October 18th to present the Board's Proclamation.
8. **SITE PLAN SPECIAL PERMIT - #5/24/02-381 – WORKERS CREDIT UNION** –
Enclosed please find a draft decision for Board consideration.
9. **PUBLIC SAFETY FACILITY UPDATE** – Selectmen Shupert and Hunter will update the
Board on the status of this project.

10. **TOWN MANAGER'S SALARY** – Selectman Ashton will address the Board in the subject regard.
11. **WALK FOR OVARIAN CANCER RESEARCH** – Enclosed please find a letter from Micki Williams regarding a Walk to benefit Ovarian Cancer.
12. **ROUTE 2A SPEED LIMIT SUPPORT** – The Chairman will address the Board in the subject regard.
13. **GOALS DISCUSSION**
14. **FY04 BUDGET DISCUSSION** – The Board will need to consider Major issues regarding the FY04 Budget. Please bring your Budget Books.
15. **OTHER BUSINESS**

V CONSENT AGENDA

16. **ACCEPT MINUTES** – Enclosed please find minutes of the June 17, 2002, September 9, September 23 and September 26 Meetings for Board acceptance.
17. **COMMITTEE APPOINTMENT – ROBERT COAN** – VCC has requested that Mr. Coan be elevated from Associate to Regular Member of the Historical Commission to fill the unexpired term of Mark O'Neil, with a term to expire 6/30/05.
18. **SPECIAL USE PERMIT 7/16/02-382 – DONELANS'** – Enclosed please find a draft decision for Board action.
19. **SITE PLAN SPECIAL USE PERMIT 11/18/98-366- 886 MAIN STREET - ASSISTED LIVING FACILITY – AMENDMENT IV**– Enclosed please find a draft decision for Board action.

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

Oct. 21: Sewer Commissioners
Nov 4: Special Use Permit – Animal Boarding 272 Great Road
Nov 18: Sewer Commissioners
Dec. 2: First Draft Licenses for 2003
Dec 16: Sewer Commissioners

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY03 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam)
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter)
8. Decision on Pentamation Accounting System (Dore'/Peter)
9. Process Planning for "Life after NESWC" (Pam/Peter)
10. Implement Chairman Round Table - (Trey)
11. Joint IT process-organizational change (Peter/Dore')
12. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter)
13. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter)
14. Revist 2020 Planning Process for direction to make this process more beneficial towards
Implementation of long term vision (Trey).
15. Want to see more interface with Emerson.(Pam)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vailancourt House - 17 Woodbury Lane. (Pam)

Goals 2003-Selectmen folder